

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6009-CIV-DIMITROULEAS
MAGISTRATE JUDGE SORRENTINO

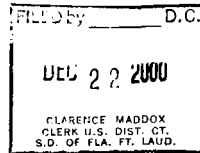
ROSS JAY LAWSON,

Plaintiff,

v.

KEN JENNE, WILLIAM
HITCHCOCK, BROWARD
COUNTY DEPARTMENT OF
CORRECTIONS AND REHAB.,

Defendants.



**DEFENDANTS' REPLY TO PLAINTIFF'S RESPONSE
TO DEFENDANTS' MOTION TO STRIKE
PLAINTIFF'S SUPPLEMENTAL WITNESS LIST**

COME NOW the Defendants, by and through their undersigned attorneys,
and files this, their Reply to Plaintiff's Response to Defendants' Motion to Strike
Plaintiff's Supplemental Witness List and, as grounds therefore, state as follows:

1. Plaintiff responds to the Motion to Strike merely by stating that he mailed the Supplemental Witness List "on or before November 15, 2000".
2. Plaintiff cites no case law and provides no memorandum of law in

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support of his position that when an incarcerated inmate gives mail to the staff in the jail, that is the date in which said mail is deemed to have been mailed.¹

3. Although the undersigned does not disagree with Plaintiff's reference to the "mailbox rule", Plaintiff fails to meet his burden by proving his Supplemental Witness List was delivered to the jail authorities within the requisite time limits. See Haag v. State, 591 So.2d 614, 617 n.3 (Fla. 1992).

4. As such, Plaintiff has not addressed Defendant's allegations that the Supplemental Witness List was not timely filed.

5. Moreover, Plaintiff has still failed to specify what the witnesses will testify to who are listed on the Supplemental Witness List as directed by this Court in its Order dated May 1, 2000.

6. Accordingly, Plaintiff's Supplemental Witness List should be stricken for the reasons set forth in Defendants' Motion to Strike filed December 4, 2000.

WHEREFORE, these Defendants respectfully request that this Court grant their Motion and enter an Order striking Plaintiff's Supplemental Witness List submitted in support of his Response to Defendant's Motion for Summary Judgment.

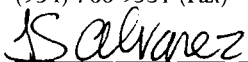
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S. Mail this 21st day of December, to: **ROSS JAY LAWSON**, #5797-9905, P.O. Box 9356, Ft. Lauderdale, Fl 33310.

¹The omission of a memorandum of law violates Local Rule 7.1.

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A handwritten signature in black ink, appearing to read "R. Schwartz", is written over a horizontal line.

ROBERT H. SCHWARTZ
Fla. Bar No.: 301167
TAMATHA S. ALVAREZ
Fla. Bar No.: 0151467